



ATTORNEY'S DOCKET NO.: B0410/7269D1

PATENT

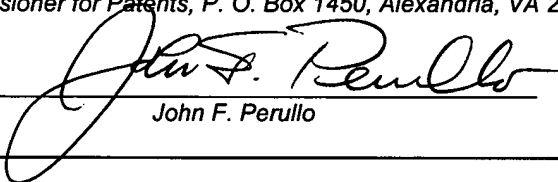
#15
B. Webb
10/16/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Richard A. Gambale et al. Confirmation No.: 2488
SERIAL NO.: 09/774,319
FILED: January 31, 2001
FOR: VASCULAR INDUCING IMPLANTS
EXAMINER: Sharon E. Kennedy
ART UNIT: 3762

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on October 1, 2003.


John F. Perullo

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TECHNOLOGY CENTER R3700

RESPONSE

Sir:

In response to the office action dated April 1, 2003, applicants present terminal disclaimers and the following detailed explanatory remarks. A petition for a three month extension of time and appropriate fee also accompany this response.

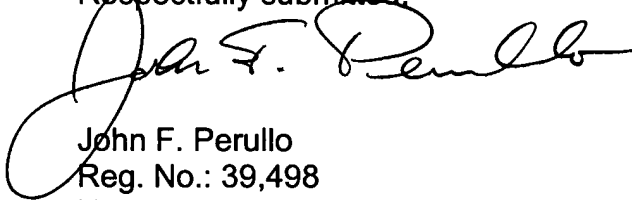
In the action, claims 20, 22, 24, 25-27 and 29 were provisionally rejected under the doctrine of obviousness-type double patenting as unpatentable over claims in several co-pending applications commonly owned by the assignee of the present application.

U.S. patent application no. 09/299,795 issued on September 16, 2003, as U.S. patent no. 6,620,170. The claims of that application were not subsequently amended from the form presented in the information disclosure statement filed in the present application on February 7, 2003. A terminal disclaimer to obviate a double patenting rejection over a prior patent is provided to overcome the rejection regarding this newly issued patent.

U.S. patent application nos. 09/328,808, 09/368,119 and 09/990,644 are still pending. To address the provisional rejection of the claims based on those pending applications, applicants provide a separate terminal disclaimer directed to co-pending applications.

In view of the foregoing remarks and the terminal disclaimers filed herewith, the present application is now considered to be in condition for allowance. If there are any remaining issues relating to the terminal disclaimers, the examiner is requested to contact the undersigned representative at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John F. Perullo", is written over the typed name and above the contact information.

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DATE: OCTOBER 1, 2003